

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SALVADOR YANEZ RUIZ, #35269-177 §

VS. § CIVIL ACTION NO. 4:12cv697
CRIM. ACTION NO. 4:07cr42

UNITED STATES OF AMERICA §

ORDER OF DISMISSAL

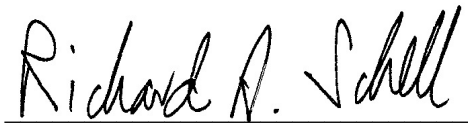
The above-entitled and numbered civil action was referred to United States Magistrate Judge Don D. Bush who issued a Report and Recommendation concluding that the motion to vacate, set aside, or correct sentence should be denied as moot and dismissed without prejudice. Movant has filed objections.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Movant to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the court. This court granted an out-of-time appeal in Movant's other case filed pursuant to § 2255, Civil Action Number 4:09cv172. In his out-of-time appeal, Movant may raise any issues concerning his conviction in Criminal Action No. 4:07cr42 for the Fifth Circuit Court of Appeal's consideration. It is accordingly

ORDERED that the motion to vacate, set aside, or correct sentence is **DENIED** and Movant's case is **DISMISSED** without prejudice. Finally, it is

ORDERED that all motions not previously ruled on are hereby **DENIED**.

SIGNED this the 18th day of September, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE